

REMARKS

Claims 1-50 were previously cancelled. In this Reply, Applicant has amended claims 51 and 52, and cancelled claims 57 and 59. No new matter has been added. Claims 51-55, 58, and 60-66 are pending in the present application.

Claim Objections

Applicant notes with appreciation that the objections to the claims have been withdrawn.

35 U.S.C. § 112, first paragraph

Applicant notes with appreciation that the rejection under 35 U.S.C. § 112, first paragraph, have been withdrawn.

35 U.S.C. § 112, second paragraph

Claims 51-55, and 57-58 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

The claims have been amended to remedy the mixing of statutory classes.

Accordingly, withdrawal of this rejection is respectfully requested.

35 U.S.C. § 103(a)

Claims 51-56, 57-60, and 61-64 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 7,249,056, to Crouthamel et al. (hereinafter “Crouthamel”) in view of Official Notice (with e.g. U.S. Patent No. 6,826,594 to Petterson (hereinafter “Petterson”) or Crouthamel as support) and further in view of U.S. Patent No. 6,804,960, to Landau et al. (hereinafter “Landau”). Applicants traverse these rejections for the reasons discussed below.

Applicant's claimed technology relates to Internet web sites and, more specifically, to successive web site referrals that result in an electronic purchase.

Independent claim 61 teaches in part, in response to an indication that a user completed an electronic purchase via a web page of a merchant server, assigning compensation to a first server and to a second server based on a record of a referral from the first server to the second server and a record of a referral from the second server to the merchant server (this feature is referred to in the Office Action as "successive referrals"). The Office Action concedes that the above limitations are not explicit in Crouthamel and does not allege that they are taught by Landau, nor are they. Rather, the Office Action uses "Official Notice" to reject the claims based on the assertions that it is old and well known that "central accounting via a central hub is well-known for accounting convenience for the affiliates" (Office Action page 6). Applicant traverses the Official Notice, at least for the reasons put forth in Applicant's previous response dated February 4, 2010, pages 11-12.

Applicant contends that the Official Notice as allegedly supported, is insufficient to suggest the claimed limitations provided in the combination. A key feature of claim 1 is that a single purchase results in two separate payments, each to different entities (or servers). Such a limitation is clearly not taught by any of the references cited. For example, in Landau, Fred.com does not share its commission with CDMerchant.com, nor does Ernie share his commission with MusicMemorabilia.com (see Landau col. 19, lines 25-65). Thus, Crouthamel, Official Notice, and Landau, both singularly and in combination fail to teach the above features of claim 61.

Independent claims 51 and 64 which recite similar features are believed to be allowable for at least the same reasons as those described above.

Independent claim 51 as amended, recites in part, "wherein said primary referral link

comprises a first sub-link from said first affiliate server to said clearinghouse server and a second sub-link from said clearinghouse server to said second affiliate server[.]” The Office Action alleges that this feature is taught by Landau (Office Action page 7). Crouthamel and Official Notice fail to teach or suggest this feature. Landau describes a system in which two separate affiliate systems can refer their users to each other without merging the two affiliate systems. Specifically, the Office Action cites the portion of Landau which discloses: “http://memorabilia.essociate.com/partners/cdmerch/1001/”. The Office Action alleges that “cdmerch/1001” reads on a first sub-link, and “memorabilia.essociate.com/partners/cdmerch” reads on a second sub-link.

Contrary to the Office Action’s contention (Office Action pages 6 and 9-10), Landau does not teach primary and secondary source identifiers associated with primary and secondary referral links or that two successive referrals can use a link showing both referrers. In the secondary referral link cited by the Office Action above, Landau teaches tracking a primary source, such as Fred.com (“1001” in the example above), and the target system in which that primary source resides, such as the CDMerchant.com affiliate system (“cdmerch” in the example above), as opposed to CDMerchant.com itself (see at least, Landau cols. 17-19). The reason the target system identifier is necessary is because Landau discloses virtually connecting different affiliate networks together, and thus, it becomes important to know which affiliate network the primary source is located in (id.). The fact that Fred.com does not share its commission with CDMerchant.com, nor does Ernie share his commission with MusicMemorabilia.com provides further support for this contention (see Landau col. 19, lines 25-65).

Accordingly, withdrawal of the rejection is respectfully requested.

Conclusion

In view of the foregoing, applicants submit that claims 51-55, 58, and 60-66 are allowable. Accordingly, reconsideration and allowance of these claims are respectfully requested. If the Examiner believes that the rejections of record have not been overcome, the Applicant requests a telephonic interview between the Examiner and the undersigned before a new Office Action is issued.

No fee is believed to be due with this submission other than those authorized on page 1 of this response. However, if any other fees are due, please charge such fees to Troutman Sanders LLP Deposit Account No. 20-1507.

Respectfully submitted,

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